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# DECLARATION AND POWER OF ATTORNEY

Atty. Dkt. No.: 5074A-000067

## DECLARATION

I hereby declare that:

Each inventor's residence, mailing address and citizenship are as stated below next to their name,

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHOD AND APPARATUS FOR SURGICAL NAVIGATION OF A MULTIPLE PIECE CONSTRUCT FOR IMPLANTATION

the specification of which (check one)

- ☐ is attached hereto.  
or  
☒ was filed on October 16, 2003 as United States Application Number or PCT International Application No. 10/687,539 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

## **DECLARATION AND POWER OF ATTORNEY**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### **POWER OF ATTORNEY**

I hereby appoint each practitioner at Customer No. 27572 of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### **CORRESPONDENCE ADDRESS**

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572, Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

## DECLARATION AND POWER OF ATTORNEY

**Full name of sole or first inventor:** Kevin T. Foley

Inventor's signature: 

Date: 3/3/04

Residence: 2877 Keasler Circle, Germantown, TN 38139

Citizenship: United States of America

Mailing Address: Same as above

**Full name of second joint inventor, if any:** Stacy Sprouse

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 400 Poppy Drive, Brighton, CO 80601

Citizenship: United States of America

Mailing Address: Same as above

**Full name of third joint inventor, if any:** David Mire

Inventor's signature: 

Date: 3-3-2004

Residence: 10184 Woodland Hills Drive, Cordova, TN 38108

Citizenship: United States of America

Mailing Address: Same as above

**Full name of fourth joint inventor, if any:** John B. Clayton

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 720 E. Wiggins Street, Superior, CO 80027

Citizenship: United States of America

Mailing Address: Same as above

**Full name of fifth joint inventor, if any:** Mark W. Hunter

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 204 Summit Trail, Broomfield, CO 80020

Citizenship: United States of America

Mailing Address: Same as above



# DECLARATION AND POWER OF ATTORNEY

Atty. Dkt. No.: 5074A-000067

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**Full name of sole or first inventor:** Kevin T. Foley

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 2877 Keasler Circle, Germantown, TN 38139

Citizenship: United States of America

Mailing Address: Same as above

**Full name of second joint inventor, if any:** Stacy Sprouse

Inventor's signature: Stacy Sprouse

Date: March 3, 2004

Residence: 400 Poppy Drive, Brighton, CO 80601

Citizenship: United States of America

Mailing Address: Same as above

**Full name of third joint inventor, if any:** David Mire

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 10184 Woodland Hills Drive, Cordova, TN 38108

Citizenship: United States of America

Mailing Address: Same as above

**Full name of fourth joint inventor, if any:** John B. Clayton

Inventor's signature: John B. Clayton

Date: 3.3.04

Residence: 720 E. Wiggins Street, Superior, CO 80027

Citizenship: United States of America

Mailing Address: Same as above

**Full name of fifth joint inventor, if any:** Mark W. Hunter

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 204 Summit Trail, Broomfield, CO 80020

Citizenship: United States of America

Mailing Address: Same as above



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			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>



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**Full name of sole or first inventor:** Kevin T. Foley

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 2877 Keasler Circle, Germantown, TN 38139

Citizenship: United States of America

Mailing Address: Same as above

**Full name of second joint inventor, if any:** Stacy Sprouse

Inventor's signature: Stacy Sprouse

Date: March 3, 2004

Residence: 400 Poppy Drive, Brighton, CO 80601

Citizenship: United States of America

Mailing Address: Same as above

**Full name of third joint inventor, if any:** David Mire

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 10184 Woodland Hills Drive, Cordova, TN 38108

Citizenship: United States of America

Mailing Address: Same as above

**Full name of fourth joint inventor, if any:** John B. Clayton

Inventor's signature: John B. Clayton

Date: 3.3.04

Residence: 720 E. Wiggins Street, Superior, CO 80027

Citizenship: United States of America

Mailing Address: Same as above

**Full name of fifth joint inventor, if any:** Mark W. Hunter

Inventor's signature: Mark W. Hunter

Date: 3/17/04

Residence: 204 Summit Trail, Broomfield, CO 80020

Citizenship: United States of America

Mailing Address: Same as above



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/687,539  
Filing Date: October 16, 2003  
Applicant: Foley, et al.  
Group Art Unit: To Be Assigned  
Examiner: To Be Assigned  
Title: METHOD AND APPARATUS FOR SURGICAL  
NAVIGATION OF A MULTIPLE PIECE  
CONSTRUCT FOR IMPLANTATION  
Attorney Docket: 5074A-000067

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT UNDER 37 CFR 3.73(b) AND POWER OF ATTORNEY**

Under 37 C.F.R. § 3.73(b), the undersigned hereby states that the below-named

Assignee is an assignee in the above-identified Application:

Assignee: Surgical Navigation Technologies, Inc.  
826 Coal Creek Circle  
Coal Creek Corporate Center One  
Louisville, CO 80027

The documentary evidence of a chain of title from the original owner to the Assignee is  
provided in the Assignment Document(s):

- ☒ filed herewith,  
☐ previously filed,

Reel No. \_\_\_\_\_, Frame No. \_\_\_\_\_.

### POWER OF ATTORNEY

I hereby appoint each practitioner at Customer No. 27572 of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

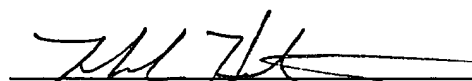
### CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572, Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

The undersigned, whose title is supplied below, is empowered to sign this certificate on behalf of the assignee.

RESPECTFULLY SUBMITTED,

Date: 3-22-04

  
Name: Mark W. Hunter  
Title: Group Dir. Business Development

# ASSIGNMENT

Atty. Docket No. 5074A-000067

WHEREAS, the undersigned, hereinafter referred to collectively as Assignor, has invented:

## **METHOD AND APPARATUS FOR SURGICAL NAVIGATION OF A MULTIPLE PIECE CONSTRUCT FOR IMPLANTATION**

for which Assignor is about to make or has made United States or International application for patent

- (a) ☐ executed on even date preparatory to filing (each inventor should sign this Assignment on the same day as he/she signs the Declaration and Power of Attorney);
- (b) ☐ executed on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_;
- (c) ☒ filed on October 16, 2003, and assigned Serial No. 10/687,539 or PCT International Application No. \_\_\_\_\_;
- (d) ☐ U.S. Patent No. \_\_\_\_\_, issued \_\_\_\_\_; or
- (e) ☐ entitled above and naming the undersigned inventors in this provisional patent application; and

WHEREAS, Surgical Navigation Technologies, Inc., having an address of 826 Coal Creek Circle, Coal Creek Corporate Center One, Louisville, CO 80027, hereinafter referred to as Assignee, is desirous of acquiring an interest therein:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy whereof is hereby acknowledged, Assignor by these presents does sell, assign and transfer unto Assignee and its successors in interest, the full and exclusive right, title and interest in the United States of America and all foreign countries, including the right to claim priority under the laws of the United States, the Paris Convention, and any foreign countries, to the said invention as described in the aforesaid application, said application for patent and all Letters Patent therefor to be held and enjoyed by Assignee to the full end of the term for which said Letters Patent are granted and any extensions thereof as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made, and the right to recover for past infringements of, or liabilities for, any of the rights relating to any of said applications or patents resulting therefrom;

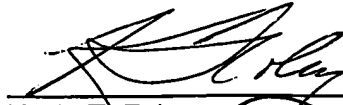
Assignor hereby covenants and agrees to execute all instruments or documents required or requested for the making and prosecution of any applications of any type for patent in the United States and in all foreign countries including, but not limited to, any provisional, continuation, continuation-in-part, divisional, renewal or substitute thereof, and as to letters patent any reissue, re-examination, or extension thereof, and for litigation regarding, or for the purpose of protecting title and to the said invention, the United States application for patent, or Letters Patent therefor, and to testify in support thereof, for the benefit of Assignee without further or other compensation than that above set forth;

Assignor hereby covenants that no assignment, sale or agreement or encumbrance has been or will be entered into which would conflict with this Assignment; and

Assignor hereby requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States of America to Assignee, and requests that any official of any country or countries foreign to the United States, whose duty it is to issue or grant patents and applications as aforesaid, to issue said Letters Patent, Utility Model Registration or Inventor's Certificate to Assignee.

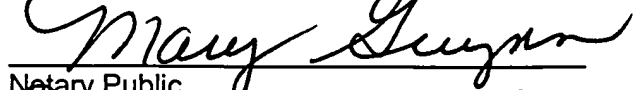
Assignor hereby authorizes my attorney to insert here in parentheses (Application No. \_\_\_\_\_, filed \_\_\_\_\_) the filing date and application number of said application when known.

## ASSIGNMENT

  
\_\_\_\_\_  
Kevin T. Foley

On this 3<sup>rd</sup> day of March, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

(seal)

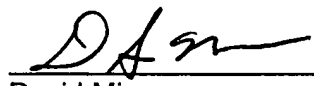
  
\_\_\_\_\_  
Notary Public  
Shelby County, State of Tennessee  
My Commission Expires: **MY COMMISSION EXPIRES:**  
April 27, 2004

\_\_\_\_\_  
Stacy Sprouse

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that she executed the same of her own free will for the purposes therein set forth.

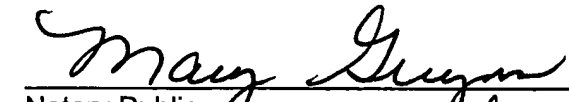
(seal)

\_\_\_\_\_  
Notary Public,  
\_\_\_\_\_  
County, State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

  
\_\_\_\_\_  
David Mire

On this 3<sup>rd</sup> day of March, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

(seal)

  
\_\_\_\_\_  
Notary Public,  
Shelby County, State of Tennessee  
My Commission Expires: **MY COMMISSION EXPIRES:**  
April 27, 2004

## ASSIGNMENT

\_\_\_\_\_  
John B. Clayton

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

\_\_\_\_\_  
Notary Public,

(seal)

\_\_\_\_\_ County, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Mark W. Hunter

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

\_\_\_\_\_  
Notary Public,

(seal)

\_\_\_\_\_ County, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

# ASSIGNMENT

Atty. Docket No. 5074A-000067

WHEREAS, the undersigned, hereinafter referred to collectively as Assignor, has invented:

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- (b) ☐ executed on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_;
- (c) ☒ filed on October 16, 2003, and assigned Serial No. 10/687,539 or PCT International Application No. \_\_\_\_\_;
- (d) ☐ U.S. Patent No. \_\_\_\_\_, issued \_\_\_\_\_; or
- (e) ☐ entitled above and naming the undersigned inventors in this provisional patent application; and

WHEREAS, Surgical Navigation Technologies, Inc., having an address of 826 Coal Creek Circle, Coal Creek Corporate Center One, Louisville, CO 80027, hereinafter referred to as Assignee, is desirous of acquiring an interest therein:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy whereof is hereby acknowledged, Assignor by these presents does sell, assign and transfer unto Assignee and its successors in interest, the full and exclusive right, title and interest in the United States of America and all foreign countries, including the right to claim priority under the laws of the United States, the Paris Convention, and any foreign countries, to the said invention as described in the aforesaid application, said application for patent and all Letters Patent therefor to be held and enjoyed by Assignee to the full end of the term for which said Letters Patent are granted and any extensions thereof as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made, and the right to recover for past infringements of, or liabilities for, any of the rights relating to any of said applications or patents resulting therefrom;

Assignor hereby covenants and agrees to execute all instruments or documents required or requested for the making and prosecution of any applications of any type for patent in the United States and in all foreign countries including, but not limited to, any provisional, continuation, continuation-in-part, divisional, renewal or substitute thereof, and as to letters patent any reissue, re-examination, or extension thereof, and for litigation regarding, or for the purpose of protecting title and to the said invention, the United States application for patent, or Letters Patent therefor, and to testify in support thereof, for the benefit of Assignee without further or other compensation than that above set forth;

Assignor hereby covenants that no assignment, sale or agreement or encumbrance has been or will be entered into which would conflict with this Assignment; and

Assignor hereby requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States of America to Assignee, and requests that any official of any country or countries foreign to the United States, whose duty it is to issue or grant patents and applications as aforesaid, to issue said Letters Patent, Utility Model Registration or Inventor's Certificate to Assignee.

Assignor hereby authorizes my attorney to insert here in parentheses (Application No. \_\_\_\_\_, filed \_\_\_\_\_) the filing date and application number of said application when known.



## ASSIGNMENT

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\_\_\_\_\_  
Notary Public,

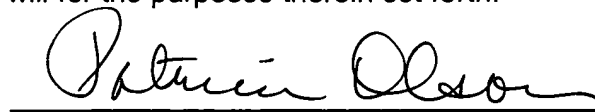
(seal)

\_\_\_\_\_ County, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

  
\_\_\_\_\_  
Stacy Sprouse

On this 3RD day of MARCH, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that she executed the same of her own free will for the purposes therein set forth.

  
\_\_\_\_\_  
Notary Public,

(seal)

BOULDER County, State of COLORADO

My Commission Expires: 8-11-05

\_\_\_\_\_  
David Mire

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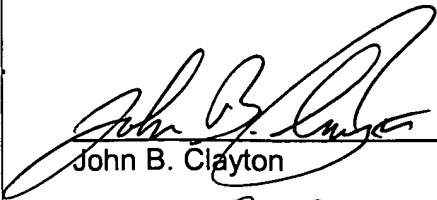
\_\_\_\_\_  
Notary Public,

(seal)

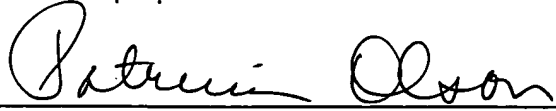
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(seal)

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- (e) ☐ entitled above and naming the undersigned inventors in this provisional patent application; and

WHEREAS, Surgical Navigation Technologies, Inc., having an address of 826 Coal Creek Circle, Coal Creek Corporate Center One, Louisville, CO 80027, hereinafter referred to as Assignee, is desirous of acquiring an interest therein:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy whereof is hereby acknowledged, Assignor by these presents does sell, assign and transfer unto Assignee and its successors in interest, the full and exclusive right, title and interest in the United States of America and all foreign countries, including the right to claim priority under the laws of the United States, the Paris Convention, and any foreign countries, to the said invention as described in the aforesaid application, said application for patent and all Letters Patent therefor to be held and enjoyed by Assignee to the full end of the term for which said Letters Patent are granted and any extensions thereof as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made, and the right to recover for past infringements of, or liabilities for, any of the rights relating to any of said applications or patents resulting therefrom;

Assignor hereby covenants and agrees to execute all instruments or documents required or requested for the making and prosecution of any applications of any type for patent in the United States and in all foreign countries including, but not limited to, any provisional, continuation, continuation-in-part, divisional, renewal or substitute thereof, and as to letters patent any reissue, re-examination, or extension thereof, and for litigation regarding, or for the purpose of protecting title and to the said invention, the United States application for patent, or Letters Patent therefor, and to testify in support thereof, for the benefit of Assignee without further or other compensation than that above set forth;

Assignor hereby covenants that no assignment, sale or agreement or encumbrance has been or will be entered into which would conflict with this Assignment; and

Assignor hereby requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States of America to Assignee, and requests that any official of any country or countries foreign to the United States, whose duty it is to issue or grant patents and applications as aforesaid, to issue said Letters Patent, Utility Model Registration or Inventor's Certificate to Assignee.

Assignor hereby authorizes my attorney to insert here in parentheses (Application No. \_\_\_\_\_, filed \_\_\_\_\_) the filing date and application number of said application when known.

## ASSIGNMENT

\_\_\_\_\_  
Kevin T. Foley


On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

\_\_\_\_\_  
Notary Public,

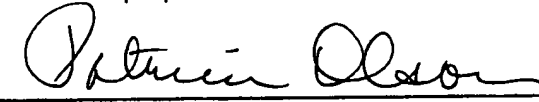
(seal)

\_\_\_\_\_  
County, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

  
\_\_\_\_\_  
Stacy Sprouse

On this 3RD day of MARCH, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that she executed the same of her own free will for the purposes therein set forth.

  
\_\_\_\_\_  
Notary Public,

(seal)

BOULDER County, State of COLORADO

My Commission Expires: 8-11-05

\_\_\_\_\_  
David Mire

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

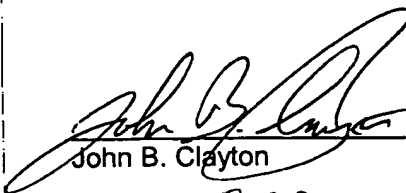
\_\_\_\_\_  
Notary Public,

(seal)

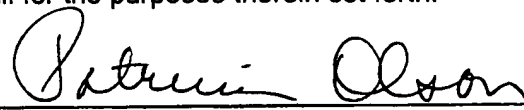
\_\_\_\_\_  
County, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## ASSIGNMENT

  
John B. Clayton

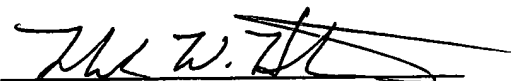
On this 3RD day of MARCH, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

  
Notary Public,


(seal)

BOULDER County, State of COLORADO

My Commission Expires: 8-11-05

  
Mark W. Hunter

On this 17th day of MARCH, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

  
Notary Public,

(seal)

BOULDER County, State of COLORADO

My Commission Expires: 8-11-05